

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**UNITED STATES OF AMERICA,**

**versus**

**THOR ALEXANDER MORRIS.**

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**CRIMINAL NO. H-10-512**


**ORDER**

This Court finds that a certificate of appealability should not be granted in this case. FED R. APP. P. 22(B); *Muniz v. Johnson*, 114 F.3d 43 (5th Cir.1997) (district court must deny certificate of appealability before petitioner can request one from court of appeals); *Else v. Johnson*, 104 F.3d 82, 83 (5th Cir. 1997) (under habeas amendments, district courts retain authority to issue certificates for § 2254 petitions). A certificate of appealability requires the petitioner to make a substantial showing of the denial of a federal right. 28 U.S.C. § 2253(c)(2); *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983); *Drinkard v. Johnson*, 97 F.3d 751, 756 (5th Cir. 1996) (standard for certificate of appealability same as former standard for certificate of probable cause). Petitioner need not demonstrate that he will prevail on the merits, but must demonstrate that the issues are debatable among reasonable jurists. *Barefoot*, 463 U.S. at 893 n.4.

After careful review of the facts and authorities, this Court finds that a certificate of appealability should not be issued.

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED this 8<sup>th</sup> day of March, 2013.

  
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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**